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10/761,858	01/21/2004	Alain Charles Louis Briancon	I-2-0424.1US	3069

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EXAMINER	
DESIR, PIERRE LOUIS	

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/761,858	BRIANCON ET AL.	
	Examiner	Art Unit	
	Pierre-Louis Desir	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 October 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *21 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/12/2005 has been entered.

Response to Arguments

2. Applicant's arguments filed on 09/12/2005 have been fully considered but they are not persuasive.

Applicant argues that Mortensen's use of the phrase "alternate mobile" means switch the mobile phone to using an alternative parameter set. This is not the same as the present invention, adds Applicant, the term "idle" does not mean sleep; it refers to a state where the RL is not being acted upon by a RRM algorithm. A RL is still active in all other aspects while in an idle state.

Examiner tentatively agrees with the Applicant. However, Mortensen discloses that the switching to the alternate mode of operation is to make more efficient usage of the available channel. Thus, switching to the alternate mode provides to the mobile station efficient usage of the available channel, which broadly reads on the limitation as written.

Claim 9 has been amended with, "...based on a result of the RRM procedure performed on the radio link, the predicted measurements being available..." and requires new ground of

rejection. Also, this amendment represents new subject matter, which is not described in the specification (see rejection below).

Applicant further argues that the disclosure of Mortensen is not analogous to placing the RL into a busy state.

Examiner respectfully disagrees. Mortensen discloses a way of controlling load (congestion) on communication network by rejecting communication request through forbidding the mobile station to access the channel for some specified length of time by switching parameter set (as disclosed by the Applicant). Thus, in the initial parameter, there would be no communication, whereas in the alternative parameter, there would be communication. Thus, the as congestion occurs, the initial parameter is in the busy state (see paragraphs 32 and 37).

Applicant argues that the present invention does not forbid access to a congested channel. Rather, the present invention coordinates potentially conflicting RRM algorithms acting on the same RL at the same time. It does so by transferring the RL from an idle state to a busy state when an algorithm is performing on the RL. While in this busy state, no other RRM algorithms can act on the RL. "Meanwhile, various algorithms can act on other RLs, even if the RLs are located on the same timeslot.

Examiner respectfully invite Applicant to amend the claim with above specific limitation regarding performing and executing RRM procedures. Examiner broadly interprets the limitation of performing or executing RRM procedure. When the mobile station switches parameter to make more efficient usage of the available channel capacity, RRM procedures are being, as broadly as one skilled in the art may interpret this language, performed and executed.

Applicant argues that the functions listed in paragraph 0024 do not anticipate the RRM procedures recited in the present invention. The list of functions included in paragraph 24 of Mortensen is a list of separate and distinct items. Namely that "scheduling of data services" and "other RRM mechanisms" are two separate items, and not a combination of things that make up one item.

Examiner respectfully disagrees with Applicant. First, the Applicant does not specifically describe what is included in the RRM procedures. Examiner asserts that RRM procedures are RRM functionalities and may be tasks or utilities, which encompass, as specified by Mortensen, dynamic channel allocations, call admission control, scheduling of data services and other RRM mechanisms.

Applicant argues that the method taught in Mortensen for controlling congestion is not the same as the method taught in the present invention for coordinating RRM algorithms.

Examiner asserts that there is no such limitation (coordinating RRM algorithms) in the claim language. However, as this language is included in the specification, Applicant is respectfully invited to amend the claims to include that specific language.

Applicant argues that the disclosure of LU performs no analysis of the situation and makes no predictions based on given information as to what algorithms would be most likely to achieve a successful result. This is in contrast to the coordination and analysis of the results of selected RRM procedures and choosing a subset of selected RRM procedures to determine an optimal set of results.

Examiner respectfully disagrees with Applicant. Lu discloses a method of managing RRM algorithms for obtaining optimum efficiency. For managing a plurality of algorithms, Lu's

method performs defining algorithm priority levels. By defining the priority, Lu's method makes an inherent analysis of predefined priority levels, which are the original priority designations for each algorithm. Therefore, Lu performs an analysis of the situation. Examiner did not assert that Lu makes a prediction based on given information as to what algorithm would be most likely to achieve the best result. Therefore, Applicant's argument concerning that matter is moot.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the Applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the Applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 9-11, and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Mortensen et al. (Mortensen), Pub. No. US2003/0096608.

Regarding claim 9, Mortensen discloses a method for scheduling radio resource management (RRM) procedures in a wireless communication system (see page 2, paragraph 24), comprising the steps of: receiving at least one trigger, each trigger being associated with at least one RRM procedure (i.e. a congestion situation is detected by the RNC) (see fig. 1, page 2, paragraph 30); placing a radio link into a busy state, whereby the radio link is accessible only by a currently executing RRM procedure; performing the RRM procedure on the radio link (i.e. Mortensen discloses a way of controlling load (congestion) on communication network by

rejecting communication request through forbidding the mobile station to access the channel for some specified length of time; thus one skilled in the art would immediately envision that rejection is an inherent function of the process of placing the radio link into a busy state. Furthermore, while in this state, the radio link is accessible only by the currently executing state so that new configuration can take place) (see page 1, paragraph 2, lines 3-8); preparing a set of predicted measurements based on a result of the RRM procedure performed on the radio link, the predicted measurements being available for use by the other RRM procedures (see page 2-3, paragraphs 34 and 37); and placing the radio link into an idle state, whereby the radio link is accessible by any RRM procedure (i.e. when the congestion situation, for instance, is over, the RNC select an interleaving length to be utilized accordingly; thus, one skilled in the art would unhesitatingly conceptualize that placement of the communication link into idle state takes place when the congesting situation is over) (see page 2, paragraph 32).

Regarding claim 10, Mortensen discloses a method (see claim 9 rejection), wherein the performing step includes configuring a radio link (Mortensen discloses a method in which for changing a parameter set, synchronized radio link reconfiguration can be utilized; thus, inherently the radio link had to be configured before reconfiguration can happen. Furthermore, the steps of evaluating and selecting the trigger as described in claim 1 rejection, can be considered, as understood from the specification, functions of the configuration process) (see claim 1 rejection, see page 3, paragraph 7).

Regarding claim 11, Mortensen discloses a method (see claim 9 rejection), wherein the performing step includes reconfiguring an existing radio link (see page 3, paragraph 7).

Regarding claim 14, Mortensen discloses a method, wherein the set of predicted measurements (i.e. parameter set) (see paragraph 27) is stored in a centralized database (i.e. server) (see paragraph 27).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-8, and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mortensen et al: (Mortensen), Pub. No. US2003/0096608 in view of Lu, U.S. Patent No. 6771624.

Regarding claim 1, Mortensen discloses a method for scheduling radio resource management (RRM) procedures in a wireless communication system (see page 2, paragraph 24), comprising the steps of:(a) receiving at least one trigger (i.e. a congestion situation is detected by the RNC) (see fig. 1, page 2, paragraph 30); (b) evaluating the at least one trigger (i.e. the detected congestion has to be inherently evaluated before the proper selection can take place) (see fig. 1, page 2, paragraph 30); (c) selecting RRM procedures to execute, based upon the evaluation of the at least one trigger (i.e. in response to the detection of the congestion, and after an inherent evaluation, the RNC makes a selection) (see fig. 1, page 2, paragraph 30 and 33); (d) executing the selected RRM procedures (i.e. after the RNC made the selection, the

execution process takes place and a data packet is received by a mobile phone) (see page 2, paragraph 30-31).

Although, Mortensen discloses a method as described above, Mortensen fails to disclose a method comprising further comprising the steps of analyzing the results of the selected RRM procedures; choosing a subset of the selected RRM procedures to determine an optimal set of results; executing the subset of RRM procedures, the choosing being based on the analysis of the results.

However, Lu discloses a method a method for scheduling radio resource management (RRM) procedures in a wireless communication system (see col. 1, lines 13-16) comprising the steps of analyzing the results of the selected RRM procedures (i.e. for managing a plurality of algorithms, analyzing the RRM procedures by defining the RRM algorithm priority levels) (see col. 3, lines 11-14); choosing a subset of the selected RRM procedures to determine an optimal set of results (i.e. define the same priority parameters for algorithms within the same priority level, and inherently choose the appropriate algorithm for execution. Thus, the inherent choosing of the appropriate algorithm is performed based of the defining the priority parameters for the algorithms) (see col. 3, lines 15-21); and (g) executing the subset of RRM procedures) (i.e. RRM procedure execution take place) (see col. 3, lines 21-24).

Mortensen and Lu are analogous art because they are from the same field of endeavor.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Mortensen with the teachings of Lu to obtain the claimed inventions. A motivation to do so would have been to obtain optimum efficiency (see col. 3, lines 6-8).

Regarding claim 2, Mortensen discloses a method (see claim 1 rejection) including the steps of placing a radio link into a busy state, whereby the radio link is accessible only by the currently executing RRM procedure (i.e. Mortensen discloses a way of controlling load (congestion) on communication network by rejecting communication request through forbidding the mobile station to access the channel for some specified length of time; thus one skilled in the art would immediately envision that rejection is an inherent function of the process of placing the radio link into a busy state. Furthermore, while in this state, the radio link is accessible only by the currently executing state so that new configuration can take place) (see page 1, paragraph 2, lines 3-8); performing the RRM procedure on the radio link (i.e. when the congestion is detected, after evaluation and selection of RRM procedure, the selected RRM procedure is executed; thus, performing the RRM procedure on the radio link takes place) (see page 2, paragraph 30-31); and placing the radio link into an idle state, whereby the radio link is accessible by any RRM procedure (i.e. when the congestion situation, for instance, is over, the RNC select an interleaving length to be utilized accordingly; thus, one skilled in the art would unhesitatingly conceptualize that placement of the communication link into idle state takes place when the congesting situation is over) (see page 2, paragraph 32); and preparing a set of predicted measurements (i.e. parameter set) for use by the other RRM procedures in the subset (see page 2-3, paragraph 34).

Although Mortensen discloses a method as described above, considering the dependency of this claim on the preceding claim, Mortensen fails to disclose a method comprising further comprising the steps of analyzing the results of the selected RRM procedures; choosing a subset

of the selected RRM procedures to determine an optimal set of results; executing the subset of RRM procedures.

However, Lu discloses a method for scheduling radio resource management (RRM) procedures in a wireless communication system (see claim 1 rejection) (see col. 1, lines 13-16) comprising the steps of analyzing the results of the selected RRM procedures (see col. 3, lines 11-14); choosing a subset of the selected RRM procedures to determine an optimal set of results (see col. 3, lines 15-21); and executing the subset of RRM procedures (see col. 3, lines 21-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Mortensen with the teachings of Lu to obtain the claimed inventions. A motivation to do so would have been to obtain optimum efficiency (see col. 3, lines 6-8).

Regarding claim 3, Mortensen discloses a method (refer to claim 2), wherein the performing step includes configuring a radio link (Mortensen discloses a method in which for changing a parameter set, synchronized radio link reconfiguration can be utilized; thus, inherently the radio link had to be configured before reconfiguration can happen. Furthermore, the steps of evaluating and selecting the trigger as described in claim 1 rejection, can be considered, as understood from the specification, functions of the configuration process) (see claim 1 rejection, see page 3, paragraph 7).

Although Mortensen discloses a method as described above, considering the dependency of this claim on the preceding claim, Mortensen fails to disclose a method comprising further comprising the steps of analyzing the results of the selected RRM procedures; choosing a subset

of the selected RRM procedures to determine an optimal set of results; executing the subset of RRM procedures.

However, Lu discloses a method for scheduling radio resource management (RRM) procedures in a wireless communication system (see claim 1 rejection) (see col. 1, lines 13-16) comprising the steps of analyzing the results of the selected RRM procedures (see col. 3, lines 11-14); choosing a subset of the selected RRM procedures to determine an optimal set of results (see col. 3, lines 15-21); and executing the subset of RRM procedures (see col. 3, lines 21-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Mortensen with the teachings of Lu to obtain the claimed inventions. A motivation to do so would have been to obtain optimum efficiency (see col. 3, lines 6-8).

Regarding claim 4, Mortensen discloses a method (refer to claim 2), wherein the performing step includes reconfiguring an existing radio link (see page 3, paragraph 7).

Although Mortensen discloses a method as described above, considering the dependency of this claim on the claim 2, Mortensen fails to disclose a method comprising further comprising the steps of analyzing the results of the selected RRM procedures; choosing a subset of the selected RRM procedures to determine an optimal set of results; executing the subset of RRM procedures.

However, Lu discloses a method for scheduling radio resource management (RRM) procedures in a wireless communication system (see claim 1 rejection) (see col. 1, lines 13-16) comprising the steps of analyzing the results of the selected RRM procedures (see col. 3, lines

11-14); choosing a subset of the selected RRM procedures to determine an optimal set of results (see col. 3, lines 15-21); and executing the subset of RRM procedures (see col. 3, lines 21-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Mortensen with the teachings of Lu to obtain the claimed inventions. A motivation to do so would have been to obtain optimum efficiency (see col. 3, lines 6-8).

Regarding claim 5, Mortensen discloses a method (see claim 2 rejection), wherein if the RRM procedure to be performed needs access to a radio link that is in the busy state, then performing the steps of: setting a flag associated with the RRM procedure to indicate a pending state (i.e. one way of controlling the load on the communication network consist of rejecting communication requests of a mobile station with a message forbidding the mobile station to access the channel for some specified length of time; one skilled in the art would immediately envision that when congestion arises, a message/flag associated with RRM procedure is sent to indicate a pending state by forbidding channel access) (see page 1, paragraph 2).

Although Mortensen discloses a method as described above, Mortensen fails to specifically disclose the steps of queuing the RRM procedure to be performed at a later time.

However, Lu discloses that packets are stored in multiple queues with priorities (see col. 1, lines 49-50).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Mortensen with the teachings of Lu to arrive at the claimed invention. A motivation to do so would have been to prevent congestion while obtaining optimum adaptability.

Regarding claim 6, Mortensen discloses a method as described in the preceding rejection (see claim 5 rejection).

Although, Mortensen discloses a method as described above, Mortensen fails to specifically disclose a method wherein any queued RRM procedures is performed when the radio link is in the idle state.

However, Lu discloses that packets are stored in multiple queues with priorities (i.e. one skilled in the art would unhesitatingly conceptualize that queuing of RRM procedure has to take place when the communication session in the idle state) (see col. 1, lines 49-50).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Mortensen with the teachings of Lu to arrive at the claimed invention. A motivation to do so would have been to obtain optimum efficiency with the method).

Regarding claim 7, Mortensen discloses a method as described in claim 2, wherein the set of predicted measurements (i.e. parameter set) (see paragraph 27) is stored in a centralized database (i.e. server) (see paragraph 27).

Although Mortensen discloses a method as described above, considering the dependency of this claim on the claim 2, Mortensen fails to disclose a method comprising further comprising the steps of analyzing the results of the selected RRM procedures; choosing a subset of the selected RRM procedures to determine an optimal set of results; executing the subset of RRM procedures.

However, Lu discloses a method for scheduling radio resource management (RRM) procedures in a wireless communication system (see claim 1 rejection) (see col. 1, lines 13-16)

comprising the steps of analyzing the results of the selected RRM procedures (see col. 3, lines 11-14); choosing a subset of the selected RRM procedures to determine an optimal set of results (see col. 3, lines 15-21); and executing the subset of RRM procedures (see col. 3, lines 21-24).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Mortensen with the teachings of Lu to obtain the claimed inventions. A motivation to do so would have been to obtain optimum efficiency (see col. 3, lines 6-8).

Regarding claim 8, Mortensen discloses a method as described in claim 1 rejection (see claim 1 rejection above).

Although Mortensen discloses a method as described in claim 1 rejection, Mortensen fails to specifically discloses a method further comprising the step of ordering the subset of RRM procedures.

However, Lu discloses a method for managing a plurality of RRM algorithm by defining algorithm priority levels before the execution process (see col. 3, lines 6-14)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine both methods to arrive at the claimed invention. A motivation to do so would have been to obtain optimum efficiency with the method (see col. 3, lines 6-8).

Regarding claim 12, Mortensen discloses a method (see claim 9 rejection), wherein if the RRM procedure to be performed needs access to a radio link that is in the busy state, then performing the steps of: setting a flag associated with the RRM procedure to indicate a pending state (i.e. one way of controlling the load on the communication network consist of rejecting communication requests of a mobile station with a message forbidding the mobile station to

access the channel for some specified length of time; one skilled in the art would immediately envision that when congestion arises, a message/flag associated with RRM procedure is sent to indicate a pending state by forbidding channel access) (see page 1, paragraph 2).

Although Mortensen discloses a method as described above, Mortensen fails to specifically disclose the steps of queuing the RRM procedure to be performed at a later time.

However, Lu discloses that packets are stored in multiple queues with priorities (see col. 1, lines 49-50).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Mortensen with the teachings of Lu to arrive at the claimed invention. A motivation to do so would have been to prevent congestion while obtaining optimum adaptability.

Regarding claim 13, Mortensen discloses a method (see claim 12 rejection) as described above.

Although, Mortensen discloses a method as described above, Mortensen fails to specifically disclose a method wherein any queued RRM procedures is performed when the radio link is in the idle state.

However, Lu discloses that packets are stored in multiple queues with priorities (i.e. one skilled in the art would unhesitatingly conceptualize that queuing of RRM procedure has to take place when the communication session in the idle state) (see col. 1, lines 49-50).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Mortensen with the teachings of Lu to arrive at the

claimed invention. A motivation to do so would have been to obtain optimum efficiency with the method).

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-779. The examiner can normally be reached on Monday-Friday 8:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Pierre-Louis Desir
AU 2681
10/27/2005

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER